

Case 5349

**OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND**

APPLICANT: Greg & Karen Lambrecht
2962 Nicodemus Road
Westminster, MD 21157

ATTORNEY: n/a

REQUEST: Conditional use for a winery and variances from the required 200 ft. setback to 23 ft. from the side (west) and 100 ft. from the rear property line for an existing building; variances from the required 200 ft. setback to 25 ft. from the side (west) and 150 ft. from the rear property line for a proposed building; variances, if needed, for a proposed storage shed for farm/vineyard equipment to be 10 ft. from the side property line and 50 ft. from the rear property line.

LOCATION: The site is located at 2962 Nicodemus Road, Westminster, on property zoned "C" Conservation District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Section 223-34 (M).

HEARING HELD: September 26, 2007

FINDINGS AND CONCLUSION

On September 26, 2007, the Board of Zoning Appeals (the Board) convened to hear a request for a conditional use for a winery and variances from the required 200 ft. setback to 23 ft. from the side (west) and 100 ft. from the rear property line for an existing building; variances from the required 200 ft. setback to 25 ft. from the side (west) and 150 ft. from the rear property line for a proposed building; variances, if needed, for a proposed storage shed for farm/vineyard equipment to be 10 ft. from the side property line and 50 ft. from the rear property line. The Board made the following findings and conclusion:

The Applicants reside on 5.06 acres (\pm) in the Conservation zone. They have planted a 2,500 vine vineyard on the property. They hope to open a winery on the property for the processing of the grapes, public wine tastings and wine sales. The Applicants will construct a 24 ft. x 32 ft. wine storage and tasting building, a 20 ft. x 24 ft. farm machinery storage shed and a gravel parking area. In addition, the Applicants will use an existing 24 ft. x 30 ft. building to process the grapes into wine.

The property has steep slopes and is well suited for a vineyard. The tasting room will be open on weekends and customer traffic will be minimal. There will be adequate space for a parking area to serve the vineyard. This will essentially be a family run operation, with a few employees for harvesting and wine making.

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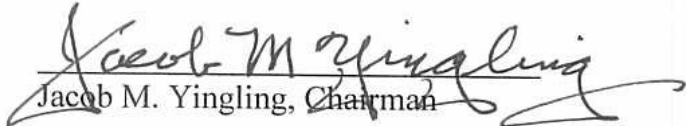
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The lot is irregularly shaped, and is in a fairly remote area. The slope and the location of the vines limit the available places for the proposed buildings.

Based on the above, the Board found that the proposed winery will not generate any measurable noise, dust, fumes, glare, vibrations or any other adverse effect. It will be a clean, quiet operation that will foster agribusiness in the County. In addition, the Board found that the traffic generated by customers and employees will be minimal. Accordingly, the conditional use is granted.

In addition, due to the peculiar conditions of this property, including the shape of the property, the steep slopes, the location of the vineyard and the residence, a strict application of the setback variances would result in an inability to construct any type of building on the property. This would result in unnecessary hardship to the Applicants. Accordingly, the requested variances were granted.

10/24/07
Date


Jacob M. Yingling, Chairman